

TIMOTHY A. SCOTT (SBN 215074)

tscott@mckenzie-scott.com

MICHELE A. McKENZIE (SBN 209657)

mmckenzie@mckenzie-scott.com

NICOLAS O. JIMENEZ (SBN 295057)

njimenez@mckenzie-scott.com

MCKENZIE SCOTT PC

1350 Columbia Street, Suite 600

San Diego, California 92101

Tel: (619) 794-0451

Fax: (619) 202-7461

Attorneys for Jane Doe

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

vs.

COUNTY OF
SANTA BARBARA,
JOSHUA ELIZALDE, &
JOHN DOES 1-10,

Defendants.

Case No.: _____

COMPLAINT FOR DAMAGES
FOR VIOLATIONS OF:

1. 42 U.S.C. § 1983 (against the County of Santa Barbara for Official Policy, Practice or Custom);
2. 42 U.S.C. § 1983 (against the County of Santa Barbara for Ratification of Misconduct);
3. 42 U.S.C. § 1983 (against the County of Santa Barbara for Failure to Train);
4. 42 U.S.C. § 1983 (against Elizalde);
5. Bane Act, Cal. Civ. Code § 52.1 (against all Defendants);
6. Ralph Act, Cal. Civ. Code § 51.7 (against all Defendants);

COMPLAINT - 1

7. Unruh Act, Cal. Civ. Code § 51 (against all Defendants);
8. Gender violence, Cal. Civ. Code § 52.4 (against Defendant Elizalde);
9. Sexual harassment, Cal. Civ. Code § 51.9 (against Defendant Elizalde);
10. Assault (against all Defendants);
11. Sexual battery (against all Defendants);
12. False imprisonment (against all Defendants); and
13. Intentional infliction of emotional distress (against all Defendants).

AND DEMAND FOR JURY TRIAL.

TABLE OF CONTENTS

| | |
|--|----|
| TABLE OF AUTHORITIES..... | 6 |
| INTRODUCTION..... | 7 |
| THE PARTIES..... | 8 |
| JURISDICTION AND VENUE | 9 |
| BACKGROUND FACTS | 9 |
| DEFENDANT ELIZALDE RESPONDS TO A CALL TO THE SHERIFF'S OFFICE FOR ASSISTANCE WITH TRESPASSERS | 10 |
| GROOMING OF PLAINTIFF – GAINING TRUST THROUGH OFFERS OF PROTECTION..... | 12 |
| ENCOUNTER IN GOLETA – UNWANTED TOUCHING OF PLAINTIFF'S THIGH AND NECK..... | 16 |
| ENCOUNTER IN LOS OLIVOS – UNWANTED TOUCHING OF PLAINTIFF AND PROMISES TO PROTECT HER | 18 |
| ENCOUNTER IN BUELLTON – MAKING PLAINTIFF SIT ON HIS LAP AND TRYING TO KISS PLAINTIFF | 19 |
| ENCOUNTER IN SOLVANG – TRYING TO KISS PLAINTIFF AND TRYING TO GET PLAINTIFF TO ORALLY COPULATE HIM IN HIS PATROL VEHICLE..... | 21 |
| ENCOUNTER IN SANTA YNEZ – TRYING TO KISS PLAINTIFF, GRABBING HER BREAST AND GENITALS, AND TRYING TO GET PLAINTIFF TO MASTURBATE HIM IN HIS PATROL VEHICLE..... | 23 |
| ENCOUNTER AT PLAINTIFF'S RESIDENCE – ASSAULT, FALSE IMPRISONMENT, AND SEXUAL BATTERY | 25 |

| | | |
|----|--|----|
| 1 | DISCLOSURE TO SANTA BARBARA COUNTY SHERIFF’S OFFICE | |
| 2 | | 29 |
| 3 | SANTA BARBARA COUNTY SHERIFF’S OFFICE DESCRIBES | |
| 4 | REPORTING OF ASSAULTS AND SEXUAL BATTERIES BY ON- | |
| 5 | DUTY SHERIFF’S DEPUTY AS ACCOMPLISHING NOTHING OTHER | |
| 6 | THAN GIVING THE DEPUTY A “PAID VACATION” | 32 |
| 7 | CLAIM I – 42 U.S.C. § 1983 (Defendant County for official policy, practice | |
| 8 | or custom)..... | 36 |
| 9 | CLAIM II – 42 U.S.C. § 1983 (Defendant County for ratification of | |
| 10 | misconduct) | 38 |
| 11 | CLAIM III – 42 U.S.C. § 1983 (Defendant county for failure to train).. | 39 |
| 12 | CLAIM IV – 42 U.S.C. § 1983 (Defendant Elizalde)..... | 41 |
| 13 | CLAIM V - Violation of civil rights (Bane Act, Cal. Civ. Code § 52.1) (All | |
| 14 | defendants) | 42 |
| 15 | CLAIM VI - Violation of civil rights (Ralph Act - Cal. Civ. Code § 51.7) | |
| 16 | (All defendants) | 43 |
| 17 | CLAIM VII - Violation of civil rights (Unruh Act - Cal. Civ. Code § 51) | |
| 18 | (All defendants) | 44 |
| 19 | CLAIM VIII - Violation of civil rights-gender violence (Cal. Civ. Code | |
| 20 | § 52.4(c)) (Defendant Elizalde)..... | 45 |
| 21 | CLAIM IX - Violation of civil rights-sexual harassment (Cal. Civ. Code § | |
| 22 | 51.9) (Defendant Elizalde)..... | 46 |
| 23 | CLAIM X – ASSAULT (All defendants) | 47 |
| 24 | CLAIM XI – SEXUAL BATTERY (All defendants) | 48 |
| 25 | CLAIM XII – FALSE IMPRISONMENT (All defendants)..... | 49 |
| 26 | | |
| 27 | COMPLAINT - 4 | |
| 28 | | |

1 CLAIM XIII – INTENTIONAL INFLICTION OF EMOTIONAL
2 DISTRESS (All defendants).....50

3 PRAYER FOR RELIEF51
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

Cases

Mary M. v. City of Los Angeles, 54 Cal.3d 202 (1991)..... passim

Statutes

28 U.S.C. § 1331..... 9

28 U.S.C. § 1343(a)(3) & (4) 9

28 U.S.C. § 1391..... 9

42 U.S.C. § 1983..... passim

42 U.S.C. § 1988..... 51

Cal. Civ. Code § 51..... 7, 44

Cal. Civ. Code § 51.7..... 7, 43

Cal. Civ. Code § 51.9..... 7

Cal. Civ. Code § 52..... 51

Cal. Civ. Code § 52.1..... 7, 42

Cal. Civ. Code § 52.4..... 7, 45

California Gov't Code § 900.4, et seq. 9

Other Authorities

Santa Barbara County Sheriff's Office Policy 1065.2(d)..... 33, 34

Santa Barbara County Sheriff's Office Policy 336..... 31

INTRODUCTION

1. This lawsuit concerns violations of 42 U.S.C. § 1983 and violations of Cal. Civ. Code §§ 51, 51.7, 52.1, 52.4, and 51.9 as well as additional state causes of action, including: assault, sexual battery, false imprisonment, and intentional infliction of emotional distress.
2. Plaintiff Jane Doe was the victim of repeated sexual harassment, assaults, and sexual batteries by an on-duty Santa Barbara County Sheriff's Deputy from January through February 2023.
3. The Sheriff's Deputy used his knowledge of Plaintiff as a survivor of domestic violence with an active protection order against her ex-partner to manipulate Plaintiff into permitting repeated contact with him under the guise of "protecting" Plaintiff from further violence.
4. Instead of "protecting" her, the Sheriff's Deputy repeatedly sexually harassed, abused, and battered Plaintiff while on duty with the Santa Barbara County Sheriff's Office.
5. Following a purported internal investigation, Defendant County's Santa Barbara County Sheriff's Office informed Plaintiff that the only thing she accomplished by reporting the sexual harassment,

1 assaults, and sexual batteries was giving the Sheriff's Deputy a "paid
2 vacation."

3
4 6. This lawsuit follows.

5
6 **THE PARTIES**

7 7. Plaintiff Jane Doe is an individual who resides in Santa Barbara
8 County within the Central District of California.

9
10 8. Defendant County of Santa Barbara is a public entity within the
11 Central District of California charged with supervising the official
12 conduct of the Santa Barbara County Sheriff.

13
14 9. Defendant Joshua Elizalde is an individual who, on information and
15 belief, resides in Santa Barbara County in the Central District of
16 California and, at all times relevant to this complaint, was employed
17 as a Sheriff's Deputy with the Santa Barbara County Sheriff's Office.

18
19
20 10. Defendant John Does 1-10 are supervisors within the Santa
21 Barbara County Sheriff's Office responsible for training and
22 supervising Sheriff Deputies.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) & (4) and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.
12. Venue is appropriate in this Court because all of the acts alleged herein occurred in Santa Barbara County within the Central District of California. *See* 28 U.S.C. § 1391.
13. Prior to filing this complaint, Plaintiff also timely filed a claim for damages pursuant to California Gov't Code § 900.4, et seq. with the County of Santa Barbara.
14. This complaint is timely filed.

BACKGROUND FACTS

15. Plaintiff is a survivor of domestic violence who sought—and received—assistance from the Santa Barbara County Sheriff's Office from 2021 through 2022.
16. In 2021 and again in 2022, Plaintiff sought—and received—restraining orders against her ex-boyfriend.
17. At the time of the incidents described herein, there was an active restraining order against Plaintiff's ex-boyfriend.

1 18. In all of his interactions with Plaintiff, Defendant Elizalde was on-
2 duty and in uniform.
3

4 **DEFENDANT ELIZALDE RESPONDS TO A CALL TO THE**
5 **SHERIFF'S OFFICE FOR ASSISTANCE WITH TRESPASSERS**

6 19. On December 30, 2022, Plaintiff contacted the Santa Barbara
7 County Sheriff's Office to report that unknown individuals were seen
8 on Plaintiff's home security footage trespassing at Plaintiff's
9 residence.
10

11
12 20. Plaintiff was not home at the time but had seen the trespassers
13 remotely via the residence's security system.
14

15 21. Sheriff's Deputy Defendant Joshua Elizalde, who was on
16 uniformed patrol, was dispatched to investigate the reported
17 trespassing at Plaintiff's residence.
18

19 22. Plaintiff returned to her residence to complete the incident report
20 of the trespassing with Defendant Elizalde.
21

22 23. When Plaintiff returned to her residence, Defendant Elizalde was
23 already inside the perimeter gate of the property, waiting for
24 Plaintiff at her residence.
25
26
27
28

1 24. Plaintiff explained to Defendant Elizalde that she is hypervigilant
2 about her security because of several instances of domestic violence
3 with her ex-boyfriend and ongoing protection orders.
4

5 25. Plaintiff told Defendant Elizalde that she is deathly afraid of her
6 ex-boyfriend against whom she has a restraining order.
7

8 26. Defendant Elizalde asked Plaintiff to send him copies of the home
9 security footage for the trespassing incident report.
10

11 27. Defendant Elizalde gave Plaintiff his business card.
12

13 28. At the time, Plaintiff was in a dispute with her landlord, and the
14 unknown individuals had been dispatched to the residence—
15 unbeknownst to Plaintiff—by her landlord.
16

17 29. Plaintiff sent Defendant Elizalde the requested video footage for
18 his incident report.
19

20 30. On January 20, 2023, Plaintiff requested Defendant Elizalde
21 provide her with a copy of the trespassing incident report that she
22 could forward to her attorney in the landlord-tenant dispute.
23

24 31. Defendant Elizalde asked Plaintiff to call him to discuss.
25

26 32. During phone calls during this period in January 2023, Defendant
27 Elizalde asked Plaintiff whether she had a boyfriend.
28

1 33. Plaintiff explained that she did not have a boyfriend and asked
2 why Defendant Elizalde was asking that question.
3

4 34. Defendant Elizalde claimed that he was asking to figure out if
5 that was a reason why Plaintiff's landlord might be sending people to
6 inspect the residence.
7

8 **GROOMING OF PLAINTIFF – GAINING TRUST THROUGH**
9 **OFFERS OF PROTECTION**

10 35. Over the following weeks in January and February 2023, while
11 Defendant Elizalde was preparing the trespassing incident report, he
12 began speaking regularly with Plaintiff on the phone and via text
13 message.
14
15

16 36. Defendant Elizalde presented himself to Plaintiff as a “friend” and
17 would chat and flirt with Plaintiff on the phone and text with her.
18

19 37. Defendant Elizalde informed Plaintiff that he was a “good
20 listener” and if there was anything she wanted “to vent or talk
21 about” to let him know.
22

23 38. Defendant Elizalde contacted Plaintiff from multiple phone
24 numbers.
25
26
27
28

1 39. Plaintiff confided in Defendant Elizalde that she was terrified of
2 her ex-boyfriend, against whom she had an active restraining order.
3

4 40. Defendant Elizalde offered to Plaintiff that he could patrol around
5 her residence while on duty to try and keep an eye on her safety.
6

7 41. Defendant Elizalde used his position as a Sheriff's Deputy to gain
8 Plaintiff's trust and, subsequently, to sexually harass, assault, and
9 batter her.
10

11 42. Defendant County and Defendant John Does 1-10 failed to create
12 policies governing appropriate interactions of Sheriff Deputies
13 including Defendant Elizalde with domestic violence victims.
14

15 43. Defendant County and Defendant John Does 1-10 failed to
16 properly train Defendant Elizalde on the special vulnerability of
17 domestic violence victims.
18

19 44. Defendant County and Defendant John Does 1-10 failed to
20 properly supervise Defendant Elizalde's encounters with domestic
21 violence victims, including Plaintiff.
22

23 45. During their frequent telephone calls, Plaintiff would ask
24 Defendant Elizalde repeatedly for the trespassing incident report so
25 she could provide it to her attorney in the landlord-tenant dispute.
26
27
28

1 46. Plaintiff would also text Defendant Elizalde and ask him for the
2 incident report.
3

4 47. Defendant Elizalde asked Plaintiff if her ex-boyfriend was
5 bothering her, informing her that he could see him on his computer
6 system, and that the ex-boyfriend was roaming in her area.
7

8 48. Defendant Elizalde would also regularly meet up with Plaintiff at
9 her residence.
10

11 49. Defendant Elizalde would regularly call Plaintiff and inform her
12 that he was patrolling in her area and that he could be at her home
13 very quickly.
14

15 50. Defendant Elizalde asked Plaintiff not to tell anyone that he had
16 been visiting her residence because, he explained, he wouldn't be
17 able to patrol her area anymore if people thought he was taking time
18 away from other cases by protecting her.
19
20

21 51. Defendant Elizalde presented his visits to Plaintiff as favors that
22 helped in keeping her physically safe from her ex-boyfriend.
23

24 52. Defendant County and Defendant John Does 1-10 failed to
25 properly supervise Defendant Elizalde during this period and failed
26 to stop his nascent improper grooming of Plaintiff.
27
28

1 53. Defendant Elizalde fraudulently abused his authority as a
2 Sheriff's Deputy by repeatedly telling Plaintiff he would keep her
3 safe from her ex-boyfriend if she did what he asked.
4

5 54. Before visiting her residence, Defendant Elizalde would often ask
6 Plaintiff if her home security system was recording and request that
7 she turn off the cameras before he arrived.
8

9 55. On information and belief, Defendant Elizalde had the gate code
10 to Plaintiff's residence from his initial visit to investigate the
11 reported trespassing and continued to use it to gain access Plaintiff's
12 rented property.
13

14 56. At one point while visiting Plaintiff at her home, Defendant
15 Elizalde showed Plaintiff his government-issued gear, including his
16 handcuffs.
17

18 57. Defendant Elizalde said he would "show" Plaintiff how the
19 handcuffs worked.
20

21 58. Defendant Elizalde placed the handcuffs on Plaintiff's wrists.
22

23 59. Plaintiff did not like being in handcuffs and wanted them
24 removed.
25

1 60. Plaintiff had to expressly request Defendant Elizalde remove
2 them from her wrists.
3

4 61. Defendant Elizalde giggled in response.

5 62. Defendant Elizalde then removed the handcuffs, appearing to
6 enjoy Plaintiff's fear of having on the handcuffs.
7

8 63. Throughout January and February 2023, Defendant Elizalde
9 engaged in a fraudulent campaign of manipulation leading Plaintiff
10 to believe that she needed to continue to agree to see him to be
11 protected by the Santa Barbara County Sheriff's Office.
12
13

14 64. But Defendant Elizalde's manipulation instead turned into sexual
15 harassment, assault, sexual battery, false imprisonment, and gender
16 violence against Plaintiff.
17

18 **ENCOUNTER IN GOLETA – UNWANTED TOUCHING OF**
19 **PLAINTIFF'S THIGH AND NECK**
20

21 65. In late January 2023, Defendant Elizalde contacted Plaintiff to go
22 over the trespassing incident report at a satellite Sheriff's office in
23 Goleta, California.
24

25 66. Plaintiff met Defendant Elizalde there.
26
27
28

1 67. Defendant Elizalde placed Plaintiff in a private room and had her
2 sit down.
3

4 68. Defendant Elizalde yanked the chair Plaintiff was sitting on,
5 jerking her towards him.
6

7 69. Plaintiff was frightened by Defendant Elizalde's actions.
8

9 70. Defendant Elizalde explained that he just really liked Plaintiff.
10

11 71. Plaintiff was scared and asked to go outside for a walk, which
12 Defendant Elizalde permitted.
13

14 72. But Defendant Elizalde eventually coaxed Plaintiff back into the
15 office.
16

17 73. Once back in the office, Defendant Elizalde started rubbing
18 Plaintiff's thigh with his hand.
19

20 74. Defendant Elizalde also put his hand on Plaintiff's neck by her
21 jaw.
22

23 75. Defendant Elizalde then slid his hand around to the side of
24 Plaintiff's neck, caressing her and moving her hair.
25

26 76. Defendant Elizalde's physical contact was unwanted and
27 unwelcome.
28

77. Plaintiff made an excuse to leave the office and return home.

1 78. On information and belief, Defendant County failed to have
2 policies in place governing appropriate behavior during encounters
3 with members of the public while at a Sheriff-operated property.
4

5 79. Defendant County and Defendant John Does 1-10 failed to
6 properly supervise Defendant Elizalde's encounters with members of
7 the public while at a Sheriff-operated property.
8
9

10 **ENCOUNTER IN LOS OLIVOS – UNWANTED TOUCHING OF**
11 **PLAINTIFF AND PROMISES TO PROTECT HER**

12 80. Defendant Elizalde asked Plaintiff to meet him in late January
13 2023 in the city of Los Olivos.
14

15 81. When Plaintiff arrived, Defendant Elizalde instructed Plaintiff to
16 get into his patrol vehicle.
17

18 82. Once inside his patrol vehicle, Defendant Elizalde showed
19 Plaintiff his service computer and rifle.
20

21 83. Defendant Elizalde showed Plaintiff how he could see other
22 deputies on his computer, where they are and when they approached
23 his location.
24

25 84. Defendant Elizalde then started staring intensely at Plaintiff and
26 began holding her shoulder and, eventually, the back of her neck.
27
28

1 85. Defendant Elizalde's physical contact was unwanted and
2
3 unwelcome.

4 86. Defendant Elizalde told Plaintiff that he cared about her and that
5
6 he would protect her.

7 **ENCOUNTER IN BUELLTON – MAKING PLAINTIFF SIT ON**
8 **HIS LAP AND TRYING TO KISS PLAINTIFF**

9 87. At the start of February 2023, Defendant Elizalde called Plaintiff
10
11 and asked her to meet him at the Buellton Sheriff's Office to review
12 the trespassing incident report.

13 88. At the Sheriff's Office, Defendant Elizalde asked Plaintiff if her
14
15 ex-boyfriend had called her.

16 89. Defendant Elizalde informed Plaintiff that he would be there to
17
18 protect her if anything were to happen.

19 90. Inside the office, Defendant Elizalde removed his body camera,
20
21 and informed Plaintiff that he had to write a warrant.

22 91. Defendant Elizalde directed Plaintiff to sit down.

23
24 92. Defendant Elizalde moved his chair close to Plaintiff's chair and
25
26 put his arms around her.

1 93. Defendant Elizalde then moved Plaintiff from her chair and had
2 her sit on his lap.
3

4 94. While on his lap, Defendant Elizalde started to rub her thighs.

5 95. Defendant Elizalde acted with malice and oppression as he pushed
6 Plaintiff's hair out of her face and tried to kiss her while holding her
7 on his lap.
8
9

10 96. Plaintiff could feel Defendant Elizalde's erect penis through his
11 uniform pants.
12

13 97. Plaintiff removed herself from his lap and returned to her chair.

14 98. Defendant Elizalde's physical contact was unwanted, unwelcome,
15 and offensive.
16

17 99. Defendant Elizalde informed Plaintiff that he would do anything
18 she wanted.
19

20 100. Defendant Elizalde indicated he wanted to show Plaintiff an
21 adjacent private room.
22

23 101. Plaintiff said "no."

24 102. Defendant Elizalde informed Plaintiff that he would be her "slave
25 boy."
26
27
28

1 103. Plaintiff started crying, told Defendant Elizalde she wanted to go
2 home, and left the office.
3

4 104. Defendant Elizalde later called Plaintiff and apologized for his
5 behavior and promised it would not happen again.
6

7 105. On information and belief, Defendant County failed to have
8 policies in place governing appropriate behavior during encounters
9 with members of the public while at a Sheriff-operated property.
10

11 106. Defendant County and Defendant John Does 1-10 failed to
12 properly supervise Defendant Elizalde's encounters with members of
13 the public while at a Sheriff-operated property.
14

15
16 **ENCOUNTER IN SOLVANG – TRYING TO KISS PLAINTIFF**
17 **AND TRYING TO GET PLAINTIFF TO ORALLY COPULATE**
18 **HIM IN HIS PATROL VEHICLE**

19 107. Defendant Elizalde again called Plaintiff in February 2023 and
20 asked her to meet him at a park in Solvang because he needed
21 additional information for the trespassing incident report.
22

23 108. Defendant Elizalde was in uniform and on duty.

24 109. Defendant Elizalde asked Plaintiff to sit in his patrol car with
25 him.
26

1 110. Defendant Elizalde told Plaintiff that he cared about her and
2 thought she was pretty.
3

4 111. Defendant Elizalde pulled Plaintiff towards him by gripping the
5 back of her head.
6

7 112. Defendant Elizalde tried to kiss Plaintiff.
8

9 113. Plaintiff pulled away.
10

11 114. Defendant Elizalde acted with malice and oppression as he placed
12 Plaintiff's hand on his genital-area multiple times.
13

14 115. Plaintiff pulled away multiple times.
15

16 116. Defendant Elizalde held Plaintiff's hand and she started to cry
17 and told him "no."
18

19 117. Defendant Elizalde grabbed Plaintiff and tried to kiss her again.
20

21 118. Plaintiff told him "no."
22

23 119. Defendant Elizalde placed Plaintiff's hand on the back of his head
24 and told her to rub his head.
25

26 120. Plaintiff was crying during this encounter and informed
27 Defendant Elizalde that she wanted to go home.
28

121. Defendant Elizalde continued to try to get Plaintiff to kiss him.

1 122. Defendant Elizalde acted with malice and oppression as he
2 continued to try to place Plaintiff's hands on his genital-area.
3

4 123. Defendant Elizalde removed his erect penis from his uniform
5 pants.
6

7 124. Defendant Elizalde acted with malice and oppression as he
8 grabbed Plaintiff's head to move her towards his genital-area in an
9 attempt to get her to orally copulate him.
10

11 125. Plaintiff moved away from Defendant Elizalde.
12

13 126. Defendant Elizalde's physical contact was unwanted, unwelcome,
14 and offensive.
15

16 127. Plaintiff left to go home, crying in her car and at home.

17 128. Defendant Elizalde called Plaintiff and apologized.
18

19 **ENCOUNTER IN SANTA YNEZ – TRYING TO KISS PLAINTIFF,**
20 **GRABBING HER BREAST AND GENITALS, AND TRYING TO**
21 **GET PLAINTIFF TO MASTURBATE HIM IN HIS PATROL**
22 **VEHICLE**

23 129. Defendant Elizalde asked Plaintiff to meet him in Santa Ynez in
24 early February 2023.

25 130. Defendant Elizalde asked Plaintiff to sit with him in his patrol
26 vehicle.
27

1 131. Defendant Elizalde showed Plaintiff how he could use his patrol
2 vehicle computer to search for her restraining order.
3

4 132. Plaintiff confided that she was feeling scared of her ex-boyfriend.
5

6 133. Defendant Elizalde fraudulently promised he would protect her
7 and arrest her ex-boyfriend if he violated the protection order.
8

9 134. Defendant Elizalde asked Plaintiff if she wanted him to go arrest
10 her ex-boyfriend that evening even though there was no violation of
11 the protection order.
12

13 135. Plaintiff started to cry and Defendant Elizalde promised Plaintiff
14 that unlike “city police” he would do something to protect her if the
15 protection order were violated.
16

17 136. Defendant Elizalde grabbed Plaintiff’s hand.
18

19 137. Defendant Elizalde forced Plaintiff to kiss him.
20

21 138. Defendant Elizalde fraudulently told Plaintiff that she had to
22 listen to him in order to stay safe.

23 139. Defendant Elizalde acted with malice and oppression as he
24 unzipped his uniform pants and pulled out his penis.
25

26 140. Defendant Elizalde acted with malice and oppression when he
27 grabbed Plaintiff’s hand repeatedly and tried to get Plaintiff to
28

1 masturbate him by placing his hand over Plaintiff's hand on top of
2 his erect penis.
3

4 141. Plaintiff pulled away but Defendant Elizalde roughly grabbed her
5 hand back.
6

7 142. Plaintiff was afraid of Defendant Elizalde.

8 143. Defendant Elizalde acted with malice and oppression when he put
9 his hands under Plaintiff's shirt and started to squeeze her breasts.
10

11 144. Defendant Elizalde grabbed her genital area over her clothes.
12

13 145. Defendant Elizalde's physical contact was unwanted, unwelcome,
14 and offensive.
15

16 146. Plaintiff started crying very hard.

17 147. Defendant Elizalde eventually stopped grabbing Plaintiff.
18

19 148. Defendant Elizalde then offered to hold Plaintiff and take care of
20 her.
21

22 149. Plaintiff eventually left Defendant Elizalde to return home.

23 **ENCOUNTER AT PLAINTIFF'S RESIDENCE – ASSAULT,**
24 **FALSE IMPRISONMENT, AND SEXUAL BATTERY**

25 150. In February 2023, Defendant Elizalde asked to see Plaintiff at her
26 residence.
27

1 151. Defendant Elizalde told Plaintiff that he really cared for her.

2
3 152. Defendant Elizalde informed Plaintiff that she needed to listen to
4 him if she wanted him to protect her.

5
6 153. Defendant Elizalde asked Plaintiff to go upstairs because he was
7 worried someone might see him through the windows of her home.

8
9 154. Defendant Elizalde laid down against the headboard on Plaintiff's
10 bed and instructed her to lay next to him.

11
12 155. Defendant Elizalde got up to take off his body camera and vest but
13 left his belt on.

14
15 156. Defendant Elizalde returned to the bed still wearing his service
16 weapon.

17 157. Plaintiff was very scared.

18
19 158. Defendant Elizalde tried to hold and kiss Plaintiff.

20 159. Plaintiff turned away from Defendant Elizalde.

21
22 160. Defendant Elizalde acted with malice and oppression when he
23 removed his penis from his uniform pants and tried to get Plaintiff to
24 masturbate him with her hand.

25
26 161. Defendant Elizalde then tried to get Plaintiff to orally copulate
27 him.

1 162. Plaintiff resisted and tried to move away from him.

2
3 163. At some point, Defendant Elizalde removed his belt with his
4 service weapon.

5 164. Defendant Elizalde put his fingers in Plaintiff's vagina.

6
7 165. Plaintiff told him to stop.

8 166. Plaintiff was very scared.

9
10 167. Defendant Elizalde got on top of Plaintiff.

11 168. Defendant Elizalde tried to penetrate Plaintiff with his penis.

12
13 169. Plaintiff was crying.

14 170. Defendant Elizalde acted with malice and oppression when he
15 held Plaintiff down and used his weight to hold her in place.

16
17 171. Defendant Elizalde kept trying to penetrate Plaintiff with his
18 penis.

19
20 172. Plaintiff kept moving to evade Defendant Elizalde and prevent
21 him from penetrating her vagina with his penis.

22
23 173. Defendant Elizalde's physical contact was unwanted, unwelcome,
24 and offensive.

25
26 174. Defendant Elizalde eventually stopped when Plaintiff started
27 crying uncontrollably.

28 COMPLAINT - 27

1 175. Defendant Elizalde appeared angry and frustrated.

2
3 176. Several days after this, Defendant Elizalde asked to see Plaintiff
4 again.

5
6 177. Defendant Elizalde apologized and said he would be patient with
7 Plaintiff.

8
9 178. Defendant Elizalde brought Plaintiff food and a Valentine's Day
10 card.

11
12 179. In the Valentine's Day card, Defendant Elizalde told Plaintiff that
13 although he had not known her "long" he was "really grateful to have
14 met [her] and spend time with [her]" and that she was an "amazing
15 person" who Defendant Elizalde "really care[d] for."

16
17 180. In person that evening, Defendant Elizalde told Plaintiff that he
18 cared for her.

19
20 181. Defendant Elizalde sat with Plaintiff on her couch and tried to
21 kiss and hold her.

22
23 182. Plaintiff did not want this physical contact and started crying.
24
25
26
27

**DISCLOSURE TO SANTA BARBARA COUNTY SHERIFF'S
OFFICE**

183. In early March 2023, one of the detectives with the Santa Barbara County Sheriff's Office who had been assisting Plaintiff with her domestic violence case reached out to her.

184. The detective asked to meet with Plaintiff to recover her ex-boyfriend's cell phone.

185. Plaintiff explained to the detective that she did not feel comfortable meeting with him.

186. The detective asked Plaintiff why she didn't want to meet with him.

187. In response to the detective's questioning, Plaintiff explained what happened with Defendant Elizalde.

188. The detective reported Plaintiff's experiences with Defendant Elizalde to the Santa Barbara County Sheriff's Office.

189. This same detective revealed to Plaintiff that Defendant Elizalde had also asked the detective about Plaintiff.

1 190. Representatives of the Santa Barbara County Sheriff's Office
2 contacted Plaintiff and asked her to meet with them to discuss what
3 happened.
4

5 191. One representative of the Santa Barbara County Sheriff's Office,
6 Det. Joaquin Oliver, in requesting an in-person interview about what
7 had happened, made comments to Plaintiff such as that he had "a
8 wife," was "happily married" and "wouldn't try anything" with
9 Plaintiff.
10

11 192. These comments did not put Plaintiff's mind at ease but instead
12 struck her as odd and made her uncomfortable.
13

14 193. The representatives of the Santa Barbara County Sheriff's Office,
15 including Det. Joaquin Oliver, did not inform Plaintiff of her right to
16 have a confidential victim advocate or other support person with her
17 during the interview.
18

19 194. Pursuant to the request of the Santa Barbara County Sheriff's
20 Office's request, Plaintiff submitted to an in-person interview.
21

22 195. Plaintiff allowed the interview to be recorded at the Sheriff's
23 Office request.
24

25 196. Plaintiff was apprehensive about this interview.
26

1 197. Plaintiff did not know who she could trust within Santa Barbara
2 County Sheriff's Office.
3

4 198. The representatives of the Santa Barbara County Sheriff's Office,
5 including Det. Joaquin Oliver, did not "show compassion and
6 understanding" for Plaintiff nor "make reasonable efforts to provide
7 the support and information identified" as required by Santa
8 Barbara County Sheriff's Office Policy 336.
9
10

11 199. Santa Barbara County Sheriff's Office representatives asked
12 Plaintiff if she was wearing a wire to their meeting.
13

14 200. Santa Barbara County Sheriff's Office representatives asked
15 Plaintiff if she had told anyone that she was going to an interview
16 with them.
17

18 201. The nature and tone of the encounter with Santa Barbara County
19 Sheriff's Office representatives made Plaintiff feel intimidated.
20

21 202. The Santa Barbara County Sheriff's Office representatives asked
22 Plaintiff to allow them to download her phone.
23

24 203. Plaintiff was not advised that she could decline their request.
25
26
27
28

1 204. The Santa Barbara County Sheriff's Office representatives
2 followed Plaintiff to her car to take possession of and then download
3 her phone.
4

5 **SANTA BARBARA COUNTY SHERIFF'S OFFICE DESCRIBES**
6 **REPORTING OF ASSAULTS AND SEXUAL BATTERIES BY ON-**
7 **DUTY SHERIFF'S DEPUTY AS ACCOMPLISHING NOTHING**
8 **OTHER THAN GIVING THE DEPUTY A "PAID VACATION"**

9 205. Plaintiff was later informed by the Santa Barbara County
10 Sheriff's Office that Deputy Elizalde would not be prosecuted for his
11 actions.
12

13 206. The Santa Barbara County Sheriff's Office informed Plaintiff that
14 the only thing she achieved by reporting Defendant Elizalde's
15 behavior to them was getting him a "paid vacation."
16

17 207. On information and belief, the Santa Barbara County Sheriff's
18 Office detective's knowledge that Defendant Elizalde was asking
19 about Plaintiff (the current victim in a domestic violence dispute)
20 together with the Santa Barbara County Sheriff's Office's expressed
21 opinion that the reporting of on-duty sexual harassment, assault,
22 false imprisonment, and sexual battery resulted only in providing
23 Defendant Elizalde with a "paid vacation," are indicative of a code or
24
25
26
27

1 culture of silence within the Defendant County's Sheriff's Office used
2 to protect each other from investigation and consequences for acts of
3 wrongdoing.
4

5 208. On information and belief, the Defendant County's Santa Barbara
6 County Sheriff's Office does not have a policy expressly prohibiting
7 the targeting of crime victims and/or members of the public for
8 sexual harassment and abuse.
9
10

11 209. On information and belief, Defendant County and Defendant John
12 Does 1-10 do not train Sheriff Deputies to refrain from targeting
13 crime victims and/or members of the public for sexual harassment
14 and abuse.
15
16

17 210. On information and belief, Defendant County and Defendant John
18 Does 1-10 do not properly supervise Sheriff Deputies' interactions
19 with crime victims and/or members of the public to ensure they are
20 free from sexual harassment and abuse.
21
22

23 211. Defendant County's Sheriff's Office Policy 1065.2(d) requires
24 deputies to "refrain from developing or maintaining personal . . .
25 relationships with victims, witnesses or other individuals during the
26 course of or as a direct result of any official contact."
27
28

1 212. But, on information and belief, Defendant County's Sheriff's Office
2 does not have any practices in place to ensure that Policy 1065.2(d) is
3 not violated.
4

5 213. On information and belief, Defendant County and Defendant
6 John Does 1-10 do not train Sheriff Deputies on how to avoid
7 violating Policy 1065.2(d).
8
9

10 214. Even though Defendant County's Sheriff's Office has a policy that
11 allegations of serious misconduct, such as those found in this case,
12 should result in Plaintiff being requested to submit a "citizen
13 complaint form" for investigation and transmission to the
14 Professional Standards Unit, on information and belief no such form
15 was ever completed here, again indicative of a code or culture of
16 silence aimed at protecting their own from investigation and
17 consequences for acts of wrongdoing.
18
19
20

21 215. On information and belief, Defendant Elizalde has since either
22 been terminated or voluntarily resigned from the Santa Barbara
23 County Sheriff's Office.
24
25

26 216. Despite all of the foregoing, Defendant County continues to use
27 images of Defendant Elizalde in their paid promotional materials,
28

1 including, at a minimum, recruitment videos for the Santa Barbara
2 County Sheriff's Office accessible to the general public.
3

4 217. This continued promotion of Defendant Elizalde, despite the
5 actual knowledge of his misconduct with Plaintiff, is an indication of
6 a code or culture of silence within the Santa Barbara County
7 Sheriff's Office designed to protect Sheriff Deputies from
8 consequences for acts of wrongdoing.
9
10

11 218. This continued promotion of Defendant Elizalde, despite the
12 actual knowledge of his misconduct with Plaintiff, is also an
13 indication of the Santa Barbara County Sheriff's Office's ratification
14 of his illegal behavior.
15
16

17 219. As a result of the foregoing conduct of Defendant Elizalde as well
18 as the failure of Defendant County and Defendant John Does 1-10 to
19 act to prevent or mitigate, train against, properly supervise, enact
20 policies prohibiting, and ultimately ratifying the sexual harassment,
21 assaults, and sexual batteries, Plaintiff suffered and continues to
22 suffer humiliation, severe emotional distress, anxiety, suicidal
23 ideation, post-traumatic stress disorder, sleep disturbance, feelings
24
25
26
27
28

1 of hopelessness, depression, and other severe impacts on her physical
2 and mental wellbeing.
3

4 **CLAIM I – 42 U.S.C. § 1983 (DEFENDANT COUNTY FOR**
5 **OFFICIAL POLICY, PRACTICE OR CUSTOM)**

6 220. Plaintiff hereby alleges and incorporates by reference each and
7 every allegation contained in paragraphs 1 through 219 above,
8 inclusive.
9

10 221. Defendant Elizalde's sexual harassment, gender violence, false
11 imprisonment, sexual assaults and batteries occurred while he was
12 on duty and in uniform as a peace officer with the Santa Barbara
13 County Sheriff's Office.
14
15

16 222. Defendant Elizalde was exercising his authority as a peace officer
17 with the Santa Barbara County Sheriff's Office in these encounters
18 with Plaintiff.
19

20 223. The sexual harassment, gender violence, false imprisonment,
21 sexual assaults and batteries resulted from the use of Defendant
22 Elizalde's authority as a peace officer.
23
24

25 224. Hence, Defendant Elizalde was acting under color of state law.
26
27

1 225. The acts of Defendant Elizalde deprived Plaintiff of her rights
2 under the U.S. Constitution, including her rights under the Fourth
3 and Fourteenth Amendments.
4

5 226. On information and belief, Defendant Elizalde acted pursuant to
6 an expressly adopted official policy or widespread or longstanding
7 practice or custom of Defendant County.
8

9 227. On information and belief, Santa Barbara County Sheriff's Office
10 has a code of silence that protects Sheriff's Deputies from
11 investigation and consequences from wrongdoing.
12

13 228. Defendant County's official policy or widespread or longstanding
14 practice or custom caused the deprivation of Plaintiff's rights by
15 Defendant Elizalde.
16

17 229. That is, Defendant County's official policy or widespread or
18 longstanding practice or custom is so closely related to the
19 deprivation of Plaintiff's rights as to be the moving force that caused
20 the ultimate injury.
21

22 230. Plaintiff suffered personal injury and damages as a result of
23 Defendant's conduct in an amount to be proven at trial.
24

**CLAIM II – 42 U.S.C. § 1983 (DEFENDANT COUNTY FOR
RATIFICATION OF MISCONDUCT)**

231. Plaintiff hereby alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 219 above, inclusive.

232. Defendant Elizalde's sexual harassment, gender violence, sexual assaults and batteries occurred while he was on duty and in uniform as a peace officer with the Santa Barbara County Sheriff's Office.

233. Defendant Elizalde was exercising his authority as a peace officer with the Santa Barbara County Sheriff's Office in these encounters with Plaintiff.

234. The sexual harassment, gender violence, sexual assaults and batteries resulted from the use of Defendant Elizalde's authority as a peace officer.

235. Hence, Defendant Elizalde was acting under color of state law.

236. The acts of Defendant Elizalde deprived Plaintiff of particular rights under the U.S. Constitution, including her rights under the Fourth and Fourteenth Amendments.

237. Sheriff Bill Brown acted under color of state law.

1 238. Sheriff Bill Brown had final policymaking authority from
2 Defendant County of Santa Barbara concerning the acts of
3 Defendant Elizalde.
4

5 239. Sheriff Bill Brown ratified Defendant Elizalde's actions that is
6 Sheriff Bill Brown knew of and specifically made a deliberate choice
7 to approve Defendant Elizalde's acts and the basis for them.
8
9

10 240. Plaintiff suffered personal injury and damages as a result of
11 Defendants' conduct in an amount to be proven at trial.
12

13 **CLAIM III – 42 U.S.C. § 1983 (DEFENDANT COUNTY FOR**
14 **FAILURE TO TRAIN)**

15 241. Plaintiff hereby alleges and incorporates by reference each and
16 every allegation contained in paragraphs 1 through 219 above,
17 inclusive.
18

19 242. Defendant Elizalde's sexual harassment, gender violence, sexual
20 assaults and batteries occurred while he was on duty and in uniform
21 as a peace officer with the Santa Barbara County Sheriff's Office.
22

23 243. Defendant Elizalde was exercising his authority as a peace officer
24 with the Santa Barbara County Sheriff's Office in these encounters
25 with Plaintiff.
26
27

1 244. The sexual harassment, gender violence, sexual assaults and
2 batteries resulted from the use of Defendant Elizalde's authority as a
3 peace officer.
4

5 245. Hence, Defendant Elizalde was acting under color of state law.
6

7 246. The acts of Defendant Elizalde deprived Plaintiff of her rights
8 under the U.S. Constitution, including her rights under the Fourth
9 and Fourteenth Amendments.
10

11 247. The training policies of Defendant County were not adequate to
12 train its sheriff's deputies to handle the usual and recurring
13 situations with which they must deal.
14

15 248. Defendant County was deliberately indifferent to the obvious
16 consequences of its failure to train its Sheriff Deputies.
17

18 249. The failure of Defendant County to provide adequate training
19 caused the deprivation of Plaintiff's rights by Defendant Elizalde,
20 that is Defendant County's failure to train played a substantial part
21 in bringing about or actually causing the injury or damage to
22 Plaintiff.
23

24 250. Plaintiff suffered personal injury and damages as a result of
25 Defendant's conduct in an amount to be proven at trial.
26

CLAIM IV – 42 U.S.C. § 1983 (DEFENDANT ELIZALDE)

251. Plaintiff hereby alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 219 above, inclusive.

252. At all times relevant herein, Defendant Elizalde was acting under color of state law and color of authority, using his power as a Sheriff's Deputy with the Santa Barbara County Sheriff's Office in his encounters with Plaintiff Jane Doe.

253. Defendant Elizalde used his position of power and influence with the Sheriff's Office to intimidate, coerce, harass, assault, and sexually batter Plaintiff.

254. When Defendant Elizalde, while in his Deputy uniform, acting as a Sheriff's Deputy with the Santa Barbara County Sheriff's Office, and wielding his government-issued firearm, intimidated, coerced, harassed, assaulted, and sexually battered Plaintiff, he violated Plaintiff's right to be secure in her person and free of interference with her bodily integrity as guaranteed by the Fourteenth Amendment.

1 255. When Defendant Elizalde, while in his Deputy uniform, acting as
2 a Sheriff's Deputy with the Santa Barbara County Sheriff's Office,
3 and wielding his government-issued firearm, intimidated, coerced,
4 harassed, and sexually assaulted and battered Plaintiff, he violated
5 her right to be secure in her person against unreasonable searches
6 and seizures as guaranteed under the Fourth Amendment of the U.S.
7 Constitution.
8

9
10
11 256. Sexual assault, harassment, and sexual battery, by their very
12 nature, involve conduct that is excessive and unreasonable and
13 cannot be warranted or justified under any circumstances.
14

15
16 257. As a direct and legal consequences of Defendant Elizalde's
17 conduct, Plaintiff suffered personal injury and damages as a result of
18 Defendant's conduct in an amount to be proven at trial.
19

20 **CLAIM V - VIOLATION OF CIVIL RIGHTS (BANE ACT, CAL.**
21 **CIV. CODE § 52.1) (ALL DEFENDANTS)**

22 258. Plaintiff hereby alleges and incorporates by reference each and
23 every allegation contained in paragraphs 1 through 219 above,
24 inclusive.
25

1 259. Defendant Elizalde intentionally interfered with Plaintiff's civil
2 rights by intimidation or coercion.
3

4 260. Defendant Elizalde acted violently against Plaintiff to prevent her
5 from exercising her right to be free from unlawful seizures and her
6 substantive due process rights.
7

8 261. Plaintiff was harmed.
9

10 262. Defendant Elizalde's conduct was a substantial factor in causing
11 Plaintiff's harm.
12

13 263. Defendant County of Santa Barbara is vicariously liable for
14 Defendant Elizalde's actions given that his "tortious conduct is
15 broadly incidental to the enterprise of law enforcement." *See Mary M.*
16 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
17

18 264. Plaintiff suffered personal injury and damages as a result of
19 Defendants' conduct in an amount to be proven at trial.
20

21 **CLAIM VI - VIOLATION OF CIVIL RIGHTS (RALPH ACT - CAL.**
22 **CIV. CODE § 51.7) (ALL DEFENDANTS)**
23

24 265. Plaintiff hereby alleges and incorporates by reference each and
25 every allegation contained in paragraphs 1 through 219 above,
26 inclusive.
27

1 266. Defendant Elizalde committed violent acts against Plaintiff.

2
3 267. A substantial motivating reason for Defendant Elizalde's conduct
4 was Plaintiff's sex.

5 268. Plaintiff was harmed.

6
7 269. Defendant Elizalde's conduct was a substantial factor in causing
8 Plaintiff's harm.

9
10 270. Defendant County of Santa Barbara is vicariously liable for
11 Defendant Elizalde's actions given that his "tortious conduct is
12 broadly incidental to the enterprise of law enforcement." *See Mary M.*
13 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).

14
15 271. Plaintiff suffered personal injury and damages as a result of
16 Defendants' conduct in an amount to be proven at trial.

17
18 **CLAIM VII - VIOLATION OF CIVIL RIGHTS (UNRUH ACT -**
19 **CAL. CIV. CODE § 51) (ALL DEFENDANTS)**

20
21 272. Plaintiff hereby alleges and incorporates by reference each and
22 every allegation contained in paragraphs 1 through 219 above,
23 inclusive.

24
25 273. Defendant Elizalde denied full and equal privileges to Plaintiff.

1 274. A substantial motivating reason for Defendant Elizalde's conduct
2 was his perception of Plaintiff's sex.
3

4 275. Plaintiff was harmed.

5 276. Defendant Elizalde's conduct was a substantial factor in causing
6 Plaintiff's harm.
7

8 277. Defendant County of Santa Barbara is vicariously liable for
9 Defendant Elizalde's actions given that his "tortious conduct is
10 broadly incidental to the enterprise of law enforcement." *See Mary M.*
11 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
12
13

14 278. Plaintiff suffered personal injury and damages as a result of
15 Defendants' conduct in an amount to be proven at trial.
16

17 **CLAIM VIII - VIOLATION OF CIVIL RIGHTS-GENDER**
18 **VIOLENCE (CAL. CIV. CODE § 52.4(C)) (DEFENDANT**
19 **ELIZALDE)**

20 279. Plaintiff hereby alleges and incorporates by reference each and
21 every allegation contained in paragraphs 1 through 219 above,
22 inclusive.
23

24 280. Defendant Elizalde created physical intrusions of a sexual nature
25 on Plaintiff.
26
27

1 281. Defendant Elizalde's physical intrusions of a sexual nature were
2 under coercive conditions.
3

4 282. Plaintiff suffered personal injury and damages as a result of
5 Defendant Elizalde's conduct in an amount to be proven at trial.
6

7 **CLAIM IX - VIOLATION OF CIVIL RIGHTS-SEXUAL**
8 **HARASSMENT (CAL. CIV. CODE § 51.9) (DEFENDANT**
9 **ELIZALDE)**

10 283. Plaintiff hereby alleges and incorporates by reference each and
11 every allegation contained in paragraphs 1 through 219 above,
12 inclusive.
13

14 284. Plaintiff sought the professional assistance of Defendant Elizalde
15 as a Sheriff's Deputy.
16

17 285. Defendant Elizalde made sexual advances, sexual solicitations,
18 sexual requests, and/or demands for sexual compliance to Plaintiff.
19

20 286. These sexual advances, sexual solicitations, sexual requests,
21 and/or demands for sexual compliance were unwelcome and
22 pervasive or severe.
23

24 287. Defendant Elizalde engaged in physical conduct of a sexual nature
25 based on gender.
26

1 288. This physical conduct of a sexual nature based on gender was
2
3 unwelcome and also pervasive or severe.

4 289. Plaintiff suffered personal injury and damages as a result of
5
6 Defendant Elizalde's conduct in an amount to be proven at trial.

7 **CLAIM X – ASSAULT (ALL DEFENDANTS)**

8 290. Plaintiff hereby alleges and incorporates by reference each and
9
10 every allegation contained in paragraphs 1 through 219 above,
11
12 inclusive.

13 291. Defendant Elizalde acted, intending to cause offensive contact.

14 292. Plaintiff reasonably believed that she was about to be touched in a
15
16 harmful manner.

17 293. Plaintiff did not consent to the offensive contact by Defendant
18
19 Elizalde.

20 294. Plaintiff was harmed.

21 295. Defendant Elizalde's conduct was a substantial factor in causing
22
23 Plaintiff's harm.

24 296. Defendant County of Santa Barbara is vicariously liable for
25
26 Defendant Elizalde's actions given that his "tortious conduct is

1 broadly incidental to the enterprise of law enforcement.” *See Mary M.*
2 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
3

4 297. Plaintiff suffered personal injury and damages as a result of
5 Defendants’ conduct in an amount to be proven at trial.
6

7 **CLAIM XI – SEXUAL BATTERY (ALL DEFENDANTS)**

8 298. Plaintiff hereby alleges and incorporates by reference each and
9 every allegation contained in paragraphs 1 through 219 above,
10 inclusive.
11

12 299. Defendant Elizalde intended to cause an offensive contact with
13 Plaintiff’s sexual organ and breast and a sexually offensive contact
14 with Plaintiff resulted.
15
16

17 300. Defendant Elizalde intended to cause an offensive contact with
18 Plaintiff by use of Defendant Elizalde’s penis and a sexually offensive
19 contact with Plaintiff resulted.
20

21 301. Plaintiff did not consent to the touching.
22

23 302. Plaintiff was offended by Defendant Elizalde’s conduct.

24 303. Defendant County of Santa Barbara is vicariously liable for
25 Defendant Elizalde’s actions given that his “tortious conduct is
26
27

1 broadly incidental to the enterprise of law enforcement.” *See Mary M.*
2 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
3

4 304. Plaintiff suffered personal injury and damages as a result of
5 Defendants’ conduct in an amount to be proven at trial.
6

7 **CLAIM XII – FALSE IMPRISONMENT (ALL DEFENDANTS)**

8 305. Plaintiff hereby alleges and incorporates by reference each and
9 every allegation contained in paragraphs 1 through 219 above,
10 inclusive.
11

12 306. Defendant Elizalde intentionally deprived Plaintiff of her freedom
13 of movement by use of force.
14

15 307. That wrongful restraint compelled Plaintiff to stay somewhere for
16 some appreciable time, however short.
17

18 308. Plaintiff did not consent.
19

20 309. Plaintiff was actually harmed.

21 310. Defendant Elizalde’s conduct was a substantial factor in causing
22 Plaintiff’s harm.
23

24 311. Defendant County of Santa Barbara is vicariously liable for
25 Defendant Elizalde’s actions given that his “tortious conduct is
26
27

1 broadly incidental to the enterprise of law enforcement.” *See Mary M.*
2 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
3

4 312. Plaintiff suffered personal injury and damages as a result of
5 Defendants’ conduct in an amount to be proven at trial.
6

7 **CLAIM XIII – INTENTIONAL INFLICTION OF EMOTIONAL**
8 **DISTRESS (ALL DEFENDANTS)**

9 313. Plaintiff hereby alleges and incorporates by reference each and
10 every allegation contained in paragraphs 1 through 219 above,
11 inclusive.
12

13 314. Defendant Elizalde’s conduct in grooming and then sexually
14 harassing, assaulting, and sexually battering Plaintiff was
15 outrageous.
16

17 315. Defendant Elizalde intended to cause Plaintiff emotional distress.
18

19 316. Plaintiff suffered severe emotional distress from her interactions
20 with Defendant Elizalde.
21

22 317. Defendant Elizalde’s conduct was a substantial factor in causing
23 Plaintiff’s severe emotional distress.
24

25 318. Defendant County of Santa Barbara is vicariously liable for
26 Defendant Elizalde’s actions given that his “tortious conduct is
27

1 broadly incidental to the enterprise of law enforcement.” *See Mary M.*
2 *v. City of Los Angeles*, 54 Cal.3d 202, 218 (1991).
3

4 319. Plaintiff suffered personal injury and damages as a result of
5 Defendants’ conduct in an amount to be proven at trial.
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff Jane Doe prays that the Court enter
9 judgment against Defendants, awarding her:
10

11 320. Compensatory damages for emotional harm in an amount to be
12 proven at trial;
13

14 321. Special damages;

15 322. Punitive damages against Defendant Elizalde, as allowed by law;
16

17 323. Reasonable attorneys’ fees, expert witness fees, and costs
18 pursuant to, among other things, Cal. Civ. Code § 52; 42 U.S.C.
19 § 1988;
20

21 324. Pre- and post-judgment interest at the maximum rate allowed by
22 law;
23

24 325. Damages to make up for any adverse tax consequences for any
25 award to Plaintiff Jane Doe; and
26

27 326. Such other relief as this Court may deem appropriate.
28

1 Respectfully submitted,
2

3 DATED: May 24, 2024

/s/Timothy A. Scott

Timothy A. Scott

MCKENZIE SCOTT PC

Attorneys for Jane Doe

Email:

mmckenzie@mckenziescott.com

tscott@mckenziescott.com

njimenez@mckenziescott.com